

2-6-1986

The Loyola Reporter

Loyola Law School Los Angeles

Repository Citation

Loyola Law School Los Angeles, "The Loyola Reporter" (1986). *The Loyola Reporter*. 28.
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The

Loyola Reporter

Volume 9, Number 3

Loyola Law School

Thursday, February 6, 1986

Oldenburg Sculpture to Come to Loyola

Loyola Law School will be the site of the first permanent, public sculpture in Los Angeles by Claes Oldenburg, major twentieth century artist, Arthur N. Frakt, dean of the law school, announced recently.

The 11'2" metal sculpture which Oldenburg designed in partnership with his wife, Coosje van Bruggen, who is also a noted artist and writer, is being fabricated in North Haven, Conn.

Titled "Toppling Ladder With Spilling Paint," and subtitled "Scales of Justice," the sculpture purchase was made possible by a grant from *The Times-Mirror* Foundation.

The sculpture is scheduled to be installed at the Loyola Law School campus by late April, 1986. Oldenburg and his wife will make a site visit at the end of December to work out installation logistics.

The "Toppling Ladder," constructed of giant chain links, is tipping on one leg; at its apex is a precariously balanced paint can with blue paint spilling out.

Sculpture Inspired By Visit

The sculpture was inspired by a visit to the campus by Oldenburg with his friend and collaborator Frank Gehry, who was architect for the newly-expanded law school, which has been recognized as an example of the most creative in contemporary architecture.

"We are proud to make available to the public an outstanding example of the work by Claes Oldenburg and Coosje van Bruggen," Dean Frakt said. "Loyola Law School, with its stated commitment to the urban and cultural environment, welcomes the community to its campus to view art programs which include exhibitions, murals and a growing collection of works by contemporary artists."

Benson Heads Art Committee

"Much of the credit for the school's art program goes to Professor Robert Benson, who heads a standing committee of faculty and students which oversees the law school's collections and exhibitions, and to Ellie Blankfort, the school's curator," Dean Frakt added.

Professor Benson said, "The Oldenburg sculpture can be seen as an uncannily accurate expression of the dominant twentieth century philosophy called Legal

(Continued on page 5)

Dean Seeks Solutions to Low Bar Passage Rates

by Deborah Sanchez

After a record low last year, the California July bar pass rate increased by about four percentage points. According to a recent article in the *Daily Journal*, bar pass rates have been in a steady decline for the past twelve years, dropping an average of one or two points a year with the exception of slight increases in 1979 and 1983.

Dean Arthur Frakt, in a recent interview, indicated that the bar pass rate increase could be misleading. Frakt said that the pass rate improvement is mostly attributable to schools with the highest level of LSAT scores. For example, Stanford had a first-timer bar pass rate of about 75 percent in 1984; in 1985 the pass rate for first time takers rose to 90 percent. Other schools, like Loyola, had the same, or lower, pass rates for first time bar takers.

Frakt said that the bar exam is not getting easier, but that it is

more demanding than ever. The new Skills Performance section and the fact that California demands the highest scores on the Multistate section are reflective of this.

In an effort to find answers and solutions, Frakt has joined a group of law school deans who have been meeting with the bar examiners. Among other things, the deans are seeking a statistical breakdown of each section of the exam in an effort to better help their students pass the bar. The meetings, according to Frakt, are a recent phenomena for schools like Loyola, McGeorge and UCLA who have traditionally had decent bar pass rates. Frakt also stated that it is a consensus among the deans that the California bar exam tries to do too much and that if bar takers would be qualified in sister states than they should also qualify here.

The pass rate for first time bar takers from Loyola was 53.9 per-

cent; Loyola's overall pass rate was a little lower at 49.1 percent. Frakt said that students who pass the first, second or even their third time are relatively safe, but those students who do not pass the bar by their third attempt probably never will. Frakt admitted that there are exceptions. He then referred to a Loyola graduate who took the bar twelve times before passing this July's exam.

Repeating what he has said on previous occasions, Frakt stated that the bar pass rate and Loyola's law school grades are closely correlated. He added, "If a student is in the B to B+ category, with a LSAT of 600 or more, there is a high probability of passing the bar." Statistical information for first time and multiple bar takers reveals that Loyola graduates with a law school GPA of 85 or better had a 95 percent pass rate. Those students with a GPA between 80 and 84.99 had a pass rate of 50 percent and

students with GPAs between 78 and 79.99 had 35 percent pass rate. The pass rate for students with GPAs under 78 was a mere 18 percent. Frakt stated that although the statistical information may be discouraging, students are not condemned by their LSATs and that it is up to the individual to put out their best efforts in law school. On the other hand Frakt said students should not fool themselves by taking easier courses to "fatten their average." Frakt warned that if a student's grades "in the more demanding courses are consistently running in the mid-70s, then they must do something because the bar examiners are grading on more stringent levels."

Stressing that it was not his intention to scare students, Frakt emphasized the need for students to demand more from themselves, adding that even students with modest LSATs can pass the bar if they work hard.

SBA Presidents Welcome Students Back from Break

by Darnel Parker and Camilla Nichols

Welcome back! The fall semester proved to be an extremely busy period. The law school and the main campus culminated a tremendous period of growth under the first of two five-year plans that enlarged both the law school facilities and the faculty.

The expansion of the law school was facilitated by a massive "PR" program sponsored by the administration. This program included a fulltime position which afforded the law school a greater national exposure. Student were benefited through the large number of guest speakers and legal personalities who visited our campus throughout the fall semester.

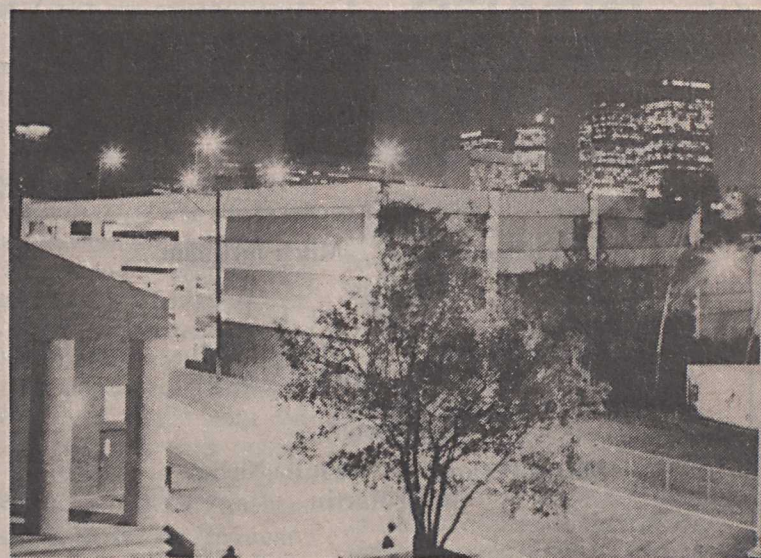
Students groups and organizations were very active during the fall with many groups combining efforts to produce such highlights as "Women In Law" forum and Latin America and South Africa awareness weeks. The Brown Bag Speaker's Forum with noted sports attorney Leigh Steinberg was sponsored by the Business Law and Litigation Society, while the Entertainment Law Society was revitalized. The International Law

organizations presented international attorney Karen Parker who spoke on international human and humanitarian rights.

For the first time in many years the Day and Evening SBAs worked together on many projects. The Evening SBA sponsored a three week program presenting alternatives to working in big firms, including speaker and noted alum Jerry Singer. The Day division co-sponsored Bar Review Week, Spouses and Significant Others programs, the annual Ski Trip, Hollywood Bowl Night and the Brown Bag Speaker's Forum.

First year students have been very involved in the law school's activities and much credit is given to first year representatives Steve Kaplan, Phil Weiss and John Myers.

As the law school enters the second five-year period, emphasis centers around increasing the scholarship funds to attract a "higher quality" admissions pool. Plans call for the construction of a 'student center' on the recently acquired property adjoining the law school. These plans include student offices, a conference room and recreational and child care



An illuminated oak tree stands alone as L.A.'s skyscrapers loom in the distance. Missing are the bungalows which were torn down last semester.

facilities. Various new academic policies will also be implemented.

The most recent of these changes in grading policies has already been implemented. The change involves a forced mean of 78 to 80 in almost every class. The SBA sees a need for change and favors the overall policy, but the SBA is offended by the Dean's statement that the student's proposal, which was structured and

adopted by unanimous vote, received its impetus from "marginal students." The SBA resents the implication of this assertion and would like to remind the administration that both the SBA and the administration have a duty to protect the interests of the students, including those who are marginal. In the alternative, the SBA suggests that tuition be lowered for

(Continued on page 5)

Editorial And Opinion

ARGUENDO

A MESSAGE FROM THE ANGRY PEOPLE

There are a lot of angry people out there. How do I know? I'm one of them. Don't get me wrong. I'm not angry at you personally but rather at the situation. Why am I angry? I'm angry because "nice" schools like Loyola put spikes on their fences so that the "locals" can't sit down. The spikes on the fence serve no purpose other than to keep the locals away from the school. The spiked fence is on the outside of the 10 ft. high chain link fence, so why the extra protection?

What kind of a message are *we* sending the community that surrounds us? We are telling them to stay away from us; we are telling them that we are too good for them; we are telling them that we have more of a right to be here than they do. However subtle, the message is clear.

I'm angry. I'm angry because the "nice" students at Loyola cheered as the old bungalows were being torn down. I'm angry because Loyola's "new" campus is built on an oasis-in-the-desert theory. I'm angry because too many people don't give a damn. I'm angry because I've seen too much.

Anger can be a positive thing though. My anger, after all led me to Loyola. My anger helped me to survive. I wanted to help change things, that's why I'm here. The sad side is that for every person who has used anger in a positive way, to survive, there are a hundred others who have turned their anger inward toward self-destruction. It is those others that are growing great in number under our current society. And believe me if they don't give a damn about their own lives, they are going to care even less about yours.

Look at the situation in a cost/benefit analysis. The costs are mighty high for not getting involved. You can close your eyes to the problems and "the angry people can just get angrier." They are. And they will. You can hear it in the music. You can see it on the news. You can feel it in the air. The benefits? Well, the benefits are fleeting, but they will stay with you until death do you part. Let the living take care of society's problems.

Well there's the message first hand from one of the angry people. I hope one day to carry a different message. A message from you to the angry people—a message that says your eyes are open.

Deborah Sanchez



Ghost of Bar-exams-past haunts campus

Plato and the Irrepressible Myth of Law School Grading

by Gregg Martin

"For myself it would be most irksome to be ruled by a bevy of Platonic Guardians, even if I knew how to choose them, which I assuredly do not."

—Learned Hand

Ever wonder how it is that [here at law school] you can do so well in one class and completely bomb another that you knew better. Try reading the ancient Greek philosopher Plato for the answer—it may help. Plato attempted to establish the relativity and existence of paradigmatic objective entities by which we measured and compared objects in the world. The "Platonic forms" were exemplars of things we observed in the world. For example, the beauty we might observe in a painting, person or a flower, allows us to abstract from them the ideal form "Beauty." "Beauty," in turn, although immaterial and incorporeal, allows us to measure and judge the beautiful things we observe in the world. Thus, the more beautiful something is, the more closely it approaches "Beauty" itself.

Recently I have come to the realization that many law professors here at Loyola (and no doubt elsewhere) adhere to this Platonic philosophy. In an effort to grade "objectively and fairly" they establish models by which to judge our written exams or papers. Take, for instance, your ARW class. Probably many of you worked very hard and long at doing an office memo or P & A memo, etc. Sometimes, when the grade came back, you apparently missed the mark of what the teacher expected. Well, at least in my section, the Prof graded the papers with reference to a pre-prepared model. How closely you approximated her model, the higher your grade would be because you would have approached "perfection" itself. Seems fair and objective? Not really. The model was written by the Prof (or their research assistant?) as to what she believed to be the "ideal form." The problem here is that the ideal legal argument, order of facts and various other areas of choice are clearly subjective in the law. However, our teachers use these models as if it's a determinate system. Of course, if you follow what is said in class and Wydick's "Plain English for Lawyers," you can predict, as Justice Holmes' "bad man" would, what the Prof wants. So the student has to determine what the ideal form is in the Prof's eyes, making sure to leave out Wydick when he is wrong as well. This then is nothing more than a hit or miss proposition, unless you can do a Vulcan mind meld and figure out what is really going on inside. And even if you do know, is this what lawyers ought to be doing? Some people say "yes" because, in order to win for your client, you have to do what Holmes said in *The Path of the Law*, namely learn to predict "what the court will do in fact..." That's great if we can get over the deep epistemological, casual and statistical problems that the realist movement never quite got over. (As well as the absurdity that this is what "law" is). In any event, you just write and hope it's what they want.

Take written exams. Most Profs write exams that cover entire courses with every conceivable issue waiting to be spotted. Now assume that you are taking an

exam and you can reduce it to six general issues all of which are relevant. Suppose further that you are, as usual, under a time constraint. Which issues do you discuss? All of them, of course, but you may not have time; so you prioritize the issues. But wait! Ask yourself — On what basis do you intend to arrange the priority of these issues? Well, perhaps the exam is written in a way that tells you what to discuss — no problem. But if it is a "Discuss all relevant rights and liabilities, etc." question, it becomes a crap-shoot which issue to answer first, second and so on. What complicates matters even further is that some relevant issues don't get points because, lo and behold, the Prof has his model answer handy and has predetermined which issues get the points. But the best *you* can do is roll the dice and they come up 1, 3, 5 (you don't have time for 2, 4, 6) and you write. Your neighbor gets out his dice and rolls 2, 4, 5. What happens? She gets the higher grade because the teacher was giving points for the one who discussed the ideal issues 4, 5, 6. Your neighbor discussed two-thirds of the issues and you only discussed one-third which gives you the lower grade. What about issues 1, 2, 3 which were relevant and for which your neighbor and yourself wrote logical, coherent and substantially correct arguments? Are these wrong? Is your neighbor smarter than you, more skillful or a better gambler? No! You just did not spot the "right issues." Don't you see? You threw the dice, and as lady luck would have it, your neighbor wins the lottery and you buy the Michelob.

What's very ironic about all this is that most Profs don't subscribe to any objective answers in the law (except their own view, of course). Yet they use these "Platonic forms" in order to grade us. Thus, anything that does not closely approximate the model answer, memo or brief, or to the extent it falls short, does not get points and subsequently receives a lower grade. This appears to be a little inconsistent.

Does this type of reasoning on the Prof's part really follow? Do people read law journal articles or opinions in the newspaper or on TV, with a preconceived model answer sheet sitting next to them? Or do we look at the facts asserted, the premises and the conclusion, and see whether they make sense. This is not to say that whether we are persuaded by the argument that it has no relevance, but this, as far as law school is concerned is only the art of advocacy and not necessarily bad logic or irrational legal thought. Perhaps people in the world already have preconceived ideals and biases (I'm sure they must) but this is law school which purports to be an intellectual and educational institution. How do we become better attorneys when "creativity and thought" is measured by how lucky you are at guessing the "right" answer? Maybe we just become Holmes' "bad man" personified.

In rejecting formalism, natural law and determinacy in our legal system, who is being cheated by determinate model answers? Our present system of adjudication reduces one to figuring out "what the courts will do," but that arbitrariness and indeterminacy do

not require an acceptance of the status quo. However, the reality is that whatever is "right" or "wrong" will ultimately depend on who is judging. The Critical Legal Theorists (and perhaps the realist of Holmes' day) have suggested that we stop perpetuating this myth and adopt a system that is more objective.

My suggestion would recommend that the Profs look more closely at logical form in exams, the difficulty of the issue, relevancy, and whether the writing is clearly worded and understandable. Whether they agree or disagree with the argument itself ought to be subordinated since, in our system, one view is certainly as good as the next. Moreover, whether the Professor personally approves or disapproves of the particular argument is really irrelevant to legal training. Logical legal argument, like mathematics, is objective. Refusal to treat the problem as being determined in a single, paradigmatic way, changes the focus of grading to one more conducive at promoting discourse and cross-fertilization of ideas. Our present system is guesswork which is anti-intellectual for both the students and the Profs. Let's not continue perpetuating the myth of determinacy in the law. Law school is certainly a place to begin.

Write for
The Loyola
Reporter

Spending Cuts And the Law

By Mike Vetter

The political pressure to reduce the federal deficit is having significant effects upon the level of government funds available to provide legal services for the poor. The RIPON Society, a national Republican research and policy organization, suggests that the legal profession as a whole should assume more of the burden of providing these necessary legal services. Currently, the American legal profession earns over \$33 billion a year and approximately \$305 million of this is budgeted to provide legal services for the poor.

The RIPON paper indicates that more adequate representation of the poor's interests would be possible if the government and private sectors were better able to coordinate their efforts with the various bar associations. The society suggests the use of special incentive programs which would partially repay student loans to induce new graduates to help represent the poor. The paper further encourages law schools and private firms to increase their commitment to legal aid societies by providing clinical training and office personnel. Because of diminishing funds and a growing need for legal services, there must be a definite commitment to providing legal services to the underprivileged by those who are most able to meet the challenge.

The Loyola Reporter

Editor-In-Chief

Deborah Sanchez

Associate Editors

Ward Wilson

Mitch Jackman

Staff

Sharon Foster

Najia Kerrin

Mike Vetter

Mickey Wheatley

Contributors

Darnel Parker

Camilla Nichols

Gregg Martin

This newspaper is published every month by *The Loyola Reporter*, under the auspices and financial support of the Loyola Student Bar Association.

Unsigned editorials represent the majority opinion of the Editorial Board. Signed letters reflect the views of the individual author.

Inquiries should be sent to:

The Loyola Reporter
Loyola Law School
1441 W. Olympic Blvd., No. 73
Los Angeles, CA 90015
(213) 736-1115

EDITORIALS * EDITORIALS

Last semester approximately 51 students dropped the Introduction to Appellate Trial Advocacy class taught by Professors L. Sobel and R. Walker. Some students wish to express their views regarding this matter. Here are the letters that have been submitted to the Loyola Reporter to date. The views expressed here are those of the individual submitting the letter and not necessarily that of the Loyola Reporter staff.

Dear Editor,
I am one of many students that has dropped the Introduction to Appellate Trial Advocacy class last semester. I am writing this letter out of concern over high drop rate from this class.

Obviously there is a problem, but to pin it down may prove difficult. I took the class in the hope that I would learn more about brief writing, brush up on my oral argument skills, and get a chance to try out for Moot Court. I dropped the class because I did not feel I was learning any of the skills I had hoped to learn and I did not desire to pursue Moot Court due to the attitude of the Professors. The hostile environment in the class started to distract me from my other studies, so after long consideration and discussing the matter with a faculty member, I felt that it would serve my academic interests best if I dropped the class.

I believe that the problem lies in the set-up of the class. Students pay for the class per unit like any other class, yet it is just a competition. I don't believe that those students that did drop were just those who don't like competition. Many students I know that dropped had excellent grades and were looking forward to be able to compete in Moot Court. I know that this may appear to be a self serving statement, but I would caution the administration from disregarding this too quickly.

One final note regarding the Professors themselves. I had talked to Professor Walker about my concerns before I dropped the class. He seemed very concerned about this matter and interested in helping. I had Professor Sobel in his Copyright class last semester and thought that he was very good in that class. This is why I believe that there is a problem in the way that this particular class is set-up and run as opposed to a problem with the Professors.

**Name Withheld By Request
2nd Year Day Student**

Dear Editor,
What is the purpose of going to law school? Is it to prepare you for passing the bar? To prepare one for practice? Or is it to give law professors some way of appeasing their over abundant egos? According to Profesor Lon Sobel, the last option is the only thing that law classes are good for.

I recently had the misfortune to enroll in a class called Introduction to Appellate Advocacy. My reason for enrolling was simple, I had some interest in doing appellate work after I pass the bar. I figured that the best way to prepare was to enroll in the class. I therefore dutifully bought all my books and reported to class.

The first class or two weren't too bad, but we really didn't lean anything about appellate practice. During the second week the class was instructed to turn in a draft list of issues which we believed to be

relevant in the case. When they were returned to the class, Professor Sobel had what could only be described as a tantrum. For the next hour and a quarter he beated us for handing in what he considered to be substandard work. We were told that the only reason for our presence in the class was to give him an opportunity to choose the nine people who were to "carry him on their shoulders to victory" in the next year's moot court competition. He proclaimed that his only purpose in the class was to find those people and the rest of the class was just so much fodder. He advised those of us who were only interested in learning something rather than competing on moot court to drop the class as soon as possible.

Of the ten class sessions conducted by the professors, approximately two hours were devoted to teaching the actual material for the class. The rest of the class time was devoted to hearing Professor Sobel brag about his illustrious career, leading the previous year's moot court to victory, how terrible this class was, and discussing the facts of the case he had assigned for the class to brief.

Needless to say, I ended up getting out of this situation by dropping the class. I understand that the registrar is reporting that approximately 40% of the original class ended up dropping. Many people who stayed in the class did so only because they could not bear to lose their tuition money. Others stayed in simply so that if asked to be on the moot court, they could laugh in his face and turn him down.

I understand that members of the current moot court team are complaining due to the lack of support and coaching from the man who is trying so hard to carry on the winning tradition. I overheard one current member complain that he had not even showed up at their last interschool competition. Evidently, Professor Sobel only shows up at the end to take all the glory and credit, while the students pray that his "support" won't drag them down too far.

I think it is reprehensible of this institution to allow this behavior from its instructors. Loyola has a good reputation among its peers and I hope that we the students and the school won't suffer too much from the likes of Professor Sobel. Or perhaps it condones such practices as it can generate more revenue through collecting tuition from students who will drop out of classes taught by incompetent teachers, and then collecting again from those students as they re-enroll in other classes to satisfy their unit requirements.

Name Withheld By Request

Dear Editor,
Generally, the faculty at Loyola Law School conduct themselves in a competent, professional, and pleasant manner. Every student is bound to dislike one or two professors during the course of his or her legal education. Perhaps this is due to a poor grade, a lack of communication or misunderstanding, boredom, or even a deep rooted personal hostility. Normally these kinds of difficulties do not present a grave problem for many individuals. However, when a substantial number of students manifest similar greivances or voice comparable objections over the conduct of a

particular professor, then it is time for the school's administration to take notice and listen. Beware fellow classmates, there is one such contemptuous individual among our presence worthy of the harshest criticism. In fact, I am not sure this statement can properly describe the arrogance of his behavior! His name is Lon Sobel.

Professor Sobel is the instructor (or so they say) for Introduction to Appellate Advocacy. Some students took the class because it is the prerequisite for Scott Moot Court competition and Advanced Appellate Advocacy. Others, like myself, took the class under the misguided belief that it would help sharpen legal writing skills and also aid in the preparation for actual employment. In my opinion, it did neither. What I did learn was that Mr. Sobel pays lip service to the honorable profession of teaching.

It seems that Mr. Sobel's true intention in teaching the course, as he repeated time and time again, was only to find his nine moot court champions to carry him on their shoulders to victory. The insolence of his attitude is just beyond comprehension. In other words, we were only pawns in his attempt to place another trophy on his office wall. I may be mistaken, but I thought the purpose of law school was to train individuals to be good lawyers.

Unlike the typical substantive and procedural classes of law school, this course should have provided the students with a working knowledge of the appellate process and the art of writing a legal brief. I know that I am not the only one when I say that I did not learn either of these two things. Our assignments were accompanied by an audio cassette tape for the purpose of obtaining a critique of each ungraded written draft. One would think that constructive criticism would be the best way to learn one's mistakes before it is too late. However, the cassettes were only a mechanism for Mr. Sobel to insult and humiliate his students. They provided no useful information. Some students were even questioned as to their ability to make it into law school.

Furthermore, the lectures that followed the due date for each written draft were merely two hours of offensive and degrading indignities. In his opinion, the majority of the class was so inadequate that they would not be able to keep their jobs with a real law firm. There is one basic flaw with this type of thinking however. How can anyone expect students to obtain meaningful employment if they are not properly trained and advised ahead of time? And, what about their future clients?

Perhaps Mr. Sobel's problems stem from a latent streak of insecurity or maybe his swollen ego has simply placed too much pressure on his temporal lobes. I'm not really sure. What I do know is that over 50 students dropped the course mid-semester including myself. Many others that decided to stay did so only because they just could not forfeit \$530. Well, the list of problems goes on and on as well as Mr. Sobel's teaching career. I only hope that I haven't wasted a lot of my own valuable time not to mention my hard earned dollars.

**Name Withheld By Request
2nd Year Day Student**

Christian Legal Society Offends Student

Dear Editor,
I believe I speak for a great many students when I say that sometimes on-campus organizations abuse the privileges granted by the school's administration. On Monday, December 2, 1985, the Christian Legal Society publicized an invitation to all students to join a Christams party in the S.B.A. bulletin. It stated that the activities included refreshments, carols, and fun in the student lounge. Anyone that passed through the lounge between the hours of 5 p.m. to approximately 7 p.m. knows that this was not exactly the situation. What started out as an innocent social gathering soon transformed into a type of religious sermon.

I do not want to chastize the Christian Legal Society's right to hold meetings and lectures of their choice. However, I feel the student lounge was an inappropriate forum for this type of event. Also, the society was somewhat misleading in their advertisement.

First, the school maintains a nondenominational chapel on campus for religious exercises and ceremonies. Yet, I never see anyone utilizing the facility for such purposes. Why must the student lounge become a place for theological expression? The lounge is supposed to be a place where all students can go to relax, study, and perhaps socialize. Nevertheless, on December 2, the lounge was quickly emptied with the exception of a few individuals that decided to take it upon themselves to turn the Christmas party into a recitation of faith. Again, I do not criticize the sincerity of their religious worship, only the lack of consideration for fellow classmates and the appropriateness of the whole affair.

Last, I witnessed a number of students hurriedly exiting the lounge uttering something to the effect that not even a gratuitous offering of food and drink could convince them to remain. It was my understanding that the Christian Legal Society was merely furnishing a brief escape from the tension of final exams in the holiday spirit. However, when I approached the table with all the goodies to grab a little something to eat, I immediately sensed the presence of hostility towards those who where not willing to remain and participate. It was then when I decided to leave along with many other individuals.

So, what is my message to the Christian Legal Society as well as other on campus organizations? In the future, be a little more considerate and a lot more honest. Practice whatever you may desire in the right place, at the right time.
**Name Withheld By Request
2nd Year Day Student**

Editorial Response

Dear Editor,
In response to a recent editorial written by Mr. Rod Fick concerning his anger over excessive littering and noise pollution within the Loyola Law School Community, I agree in part but I must also adamantly dissent. Mr. Fick mis-

takenly places blame on all of Loyola's day students rather than on a few inconsiderate individuals. While it is true that these students show a lack of respect for fellow classmates, the characterization of law students as "juveniles" or "kids" is entirely inappropriate and demeaning.

First, I agree the cacophonous level of noise in the library caused by a socializing minority should stop. However, While I may dislike the various interruptions to the peace and serenity of the student lounge, I must admit that the lounge was never intended to be a temple of solitude. As for the cafeteria, anyone who requires silence while eating dinner would perhaps consider an establishment of finer dining.

Next, is the issue of trash. Mr. Fick, I don't like wading through piles of garbage either. You are correct when you state that these areas are clean in the morning because a highly proficient clean up crew performs their rewardless tasks every night. It is also true that a few individuals haven't learned how to clean up after themselves, but you have made one grave error. I have spent many days on this campus starting early in the morning and continuing into the wee hours of the night. It is the period between 5:00 p.m. to 7:00 p.m. when most of the littering in the cafeteria takes place. Not just day students, but also night students preparing for their evening classes!

So, where does this leave us Mr. Fick? Well, perhaps a few students have changed their habits from reading prosaic editorials such as ours, but I seriously doubt it.

**Mitch Jackman
2nd Year Day Student**
If you wish to express any further comments on these matters please submit them to the Loyola Reporter internal mail box 73.

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352 Golden Gate Avenue
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1407 First Avenue
San Diego, California 92101
(619) 236-0623

A Letter to First Year Law Students

Dear First Year Law Students:

Do you realize that your final class standing, opportunity to participate on your school's Law Review and a range of career opportunities in an increasingly competitive job market (starting with a summer job after your first year) are largely determined by your first year grades?

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Sincerely,

Daniel J. DeSario, Esq.
Regional Director
California

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More Announcements

The Loyola reporter is sorrowed in learning of the death of Mrs. Liliore Rains in November of 1985. As some of you may well know, Mrs. Rains has been a long time benefactor to the law school. One need only look as far as our new library facility to know that she was a gracious and kindhearted woman. However, her generosity did not end with her demise.

Loyola Law School has been informed that Mrs. Rains' will has named Loyola Marymount University as a beneficiary. Loyola's share could be as high as \$25 million. The *Reporter* is saddened by the loss of this truly charitable humanitarian. We only hope that the money is spent wisely and thoughtfully so as to honor Mrs. Rains' sincere and benevolent nature.

* * *

Need some fast pocket money to cover the expenses of law school? Well, the *Reporter* will offer a 25% commission to anyone that obtains advertising approved and used by the newspaper. (See Rate Schedule) It only takes a little time to make some quick change. So come on, talk to your favorite local business, earn a little dough, and help support your school's newspaper. (Loyola *Reporter* is a non profit campus organization. All revenues go towards the costs of printing each month's issue. All payments may be subject to Federal and Local Income Tax reporting requirements).

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Back Page, \$375; Full Page, \$325; Insert, \$200; 1/2 Page, \$200 1/4 Page, \$125; 1/8 Page, \$70; 1/16 Page, \$35 and Column Inch \$7.50

* * *

A series of twenty ski races is being sponsored by Henry Weinhard's and KNAC. The races are open to all college students and take place from December 7th through March 22nd. The contestants at each race are divided into three levels of ability in both the men's and women's divisions. Naturally there will be prizes, entertainment, and fun. For more information, entry forms, and a schedule contact:

United States Recreational Ski Assoc.
221 West Dyer Road
Santa Ana, California 92707
(714) 641-0724

* * *

Do you have some old textbooks, hornbooks, outlines, an automobile or other personal possession or service for sale (keep it legal). Advertise it in the *Reporter* for only \$2.00 per issue. WHAT A DEAL!

U.S. Department of Transportation

**DRINKING AND DRIVING
CAN KILL A FRIENDSHIP**

Write for

The Loyola
Reporter

Text of the SBA's Letter to the Faculty

12/10/85

The enclosed memoranda were to be presented at the faculty meeting scheduled for Friday, December 6, 1985. Unfortunately, the meeting was cancelled and a subsequent meeting with the grading committee never materialized.

The Day and Evening SBA requests that the new grading procedures are not implemented until next fall, at least insofar as students entering prior to fall 1985 are concerned.

Our primary concern is that some students (who are at, or near the probationary level) will be adversely affected by immediate implementation. We believe that the lack of notice given to students prior to registration may have colored schedule choices and to now change the rules would be unconscionable.

Since grading is not completed until after finals, the SBA believes that it is reasonable to request that faculty members respond to the students' proposal prior to turning in grades.

Please read the enclosed materials and respond by indicating approval or disapproval of the proposed changes. Response should be in writing with a copy sent to the dean's office and to the Student Bar Association Box 93 by Dec. 20, 1985.

Respectfully Submitted
1985-1986 Day and Evening
Student Bar Associations

Text of Dean Frakt's Memorandum to the Faculty

12/10/85

Referenced memorandum and the request made does not fall within the procedures for governance of the Law School. The faculty has established rules in the ordinary course of its deliberations, and students and student organizations had full opportunity to comment upon them.

The Student Bar Associations do not have authority to mandate any change, and I respectfully request that you not respond directly to this proposal. Neither straw polls nor referenda are appropriate at this point.

I shall shortly submit a memorandum to the faculty concerning the bar results and grading. Suffice it to say at this time that it is clear that our grading has been disastrously inflated.

Not only have very few students been placed on probation, but almost all of those who are on probation will ultimately graduate. That is to say, virtually everyone except a handful who fall below 70 after their first year will go on to succeed under current standards. But what does success mean? On the most recent bar examination, statistics indicate just how grievous our grade inflation has been.

The following statistics include multiple bar takers, as well as first-time bar takers:

GPA	Passed	Failed	Pass Rate
Under 78 (Almost all who passed were multiple takers; most multiple takers still fail.)	20	93	18%
78-79.99 (Again, a number of those who passed were multiple takers, and many continue to fail.)	25	46	35%
80-84.99 (The pass rate in this group for those with LSAT's under 600 was 50%, while for those over 600 it was 78%.)	99	51	50%
84 +	42	2	95%

It is crystal clear that unless our new mean/standard deviation requirements are put into effect, this misleading and inflated grading will result in individuals believing that they have adequately met the demands of law school when in truth they are unprepared to meet current bar standards.

I believe that much of the impetus of this proposal comes from those with marginal grades. The truth is that those students who are at or near the 74.5 level (of whom there are very few) are very far from meeting the requirements for adequate success at law school. Our efforts to have more meaningful grades must be preserved. As for any threats implied in the SBA letter, I believe that is a matter for the administration to respond to. We carefully preserve the faculty's right to make appropriate changes. It should also be noted that all of the changes are prospective. No one will be penalized for past performance.

The SBA is confused by the meaning of grades and honors. If carried to the extreme, they seem to be suggesting that regardless of whether or not grading is meaningful, honors are deserved. It seems to me that honors are hollow indeed if they are not reflective of true accomplishments. I am comforted by the fact that, statistically, virtually everyone who is in the honors category has achieved very well. The new grading proposals will have no effect on the upper end of the class. The only effect will be that in those few classes where most of the grades have been disproportionate, students will no longer be able to rely on easy grades to artificially boost their average to the level of those students whose averages are fully merited.

I find a number of things in the SBA memorandum disturbing. Perhaps the most disturbing is the paragraph at the head of Page 2 of the second attachment which talks about penalizing the average student in classes where others may have "particular expertise." The notion that a few tax accountants and/or labor experts might have some special knowledge which will substantively effect grades is not borne out by experience here or elsewhere. Good students who study hard are able to achieve in any law school class. At a time when it is crucial for all students that the school redouble its efforts for excellence, the SBA's catering to the lowest common denominator is completely wrong-headed.

An Essay On Neighborliness

by Mickey Wheatley

Remember the case of **Kirksey v. Kirsey** in your Contracts course? Remember how some students were outraged that the sister-in-law didn't get the farm as her "brother" has promised? (Maybe in your course you were surprised because no student showed vocal outrage.) That case taught you early in your law school career that these feelings of outrage only get in the way when it comes to applying the objective, neutral rules of legal reasoning to arrive at "justice." Poor Mrs. Kirksey hadn't known that she must give "consideration" to enforce that promise. This article asks you to forget what law school has taught you or reinforced. I ask you to consider the people of the bungalows in a distinctly un-lawyerly way—in short, from the heart and not the forebrain.

Today I watched as the Loyola wrecking crew tore down the bungalows east of campus while students stood around the sacred scrub oak and cheered them on. It was like standing in a Renaissance crowd on hanging day. I stood with Dean Frakt (the hooded executioner), who informed me of the good that had come to pass on this day.

"We could build a daycare center," he told me (He knows I'm a sucker for the feminist line.) "We could have a whole student center where every group will have their own office." (He thinks I need my privacy.) "And on the top," he said, "we could build a swimming pool." (Gee whiz, a rooftop swimming pool so that no student need face law school without a tan; so that any student could conveniently soak out the inevitable tension developed by would-be lawyers either questioning their career choice or itching to escape this stuffy academic environment to get into the "real world" of law practice.)

"When does the construction start, Dean?"

"Well, not for at least four or five years. We'll need to raise student fees to accomplish it."

"Then why did you take the property and tear down the homes?"

"We made a good deal with the owner. We're tearing down the bungalows because they're a health and safety hazard."

"So what happens to the lot in the meantime, Dean?"

"Maybe we'll plant grass. Maybe we'll put in some parking spaces to alleviate the parking problem." (Good idea—Unsafe neighborhood.)

"But what of the people who had their homes there, Dean?"

"Those people are better off now. We helped relocate them and gave them each four thousand dollars. That's more money than they've seen in their lives. Besides, the owner was charging four hundred dollars a month for those hovels. They were living with rats and roaches."

Forgive my un-lawyerlike response, but I can't help wondering if "those people" didn't prefer their price-gouged, rat-infested hovels over their new, shiny-brite stainless-steel, high-rise and government-subsidized apartments. Maybe Loyola tore down a community today.

As I watched the blond man on the wrecking crew slice across a wall like a knife through soft butter,

the cross section of a bedroom became exposed to my view. Ironically, I was reminded of Frank Gehry's chapel which is exposed in cross-section by the glass facade. I wonder if those worshipping in Gehry's chapel feel naked the way I felt as my eyes pryed, like a crowbar, into that bedorrom. The voyeur and the victim become one. Yet I found myself watching and shedding no tear. Why do I feel betrayed?

Finally, I have to admit to my own arrogance as I ponder the plight of these ex neighbors of mine. I never borrowed a cup of sugar from one of them, never smiled and said "Have a nice day" to any of them. Only then could I justify presuming that I really cared about them, that I knew how they feel and what they want from life. Instead, like the Dean, I fantasized about what is best for them. We made them symbols of our political outlooks.

I wanted to grieve for their loss, but the loss is my own. I miss those bungalows. I can't help but think Gehry designed the campus to look good in relation to them. We were arrogant enough to think they looked bad in relation to us.

SCULPTURE (Continued)

Realism, in which justice is thought to be as much a matter of mundane facts, irony, and chance, as it is of abstract idealism."

The law school's permanent collection includes works by Lita Albuquerque, Carlos Almaraz, Dan Douke, Walter Gabrielson, Jasper Johns, James Rosenquist and Michael Todd.

In addition, the collection includes works by Los Angeles artists James Doolin, Joe Fay, Karla Klarin, Lisa Manheim, Margaret Nielsen, Barney O'Brian, Mark Stock and Robert Walker.

A major mural by artists Kent Twitchell and Jim Morphesis is in progress in the atrium space atop the law school's Burns Building.

PRESIDENTS (Continued)

"marginal students."

The SBA applauds the law school's efforts to create an environment conducive to the rigors of a legal education, but as paying customers we expect the same courtesy and respect as any other informed consumer.

The SBA hopes that 1986 will bring continued participation from all members of the student body and better communication with the administration.

Good Luck to all in 1986.

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Crude Robbery Takes Place

In late December the Federal Bureau of Investigation arrested four men for participating in a "conspiracy to steal oil from an interstate pipeline system which transported crude oil from Long Beach, California to Red Mesa, Utah." The accused purportedly tapped the pipeline and diverted oil to various refineries for slightly over three years. The FBI estimates the value of the oil taken in excess of four million dollars.

If convicted, the defendants could face a maximum fine of \$250,000 and could be imprisoned for five years on the conspiracy charge and ten years for the pipeline theft.

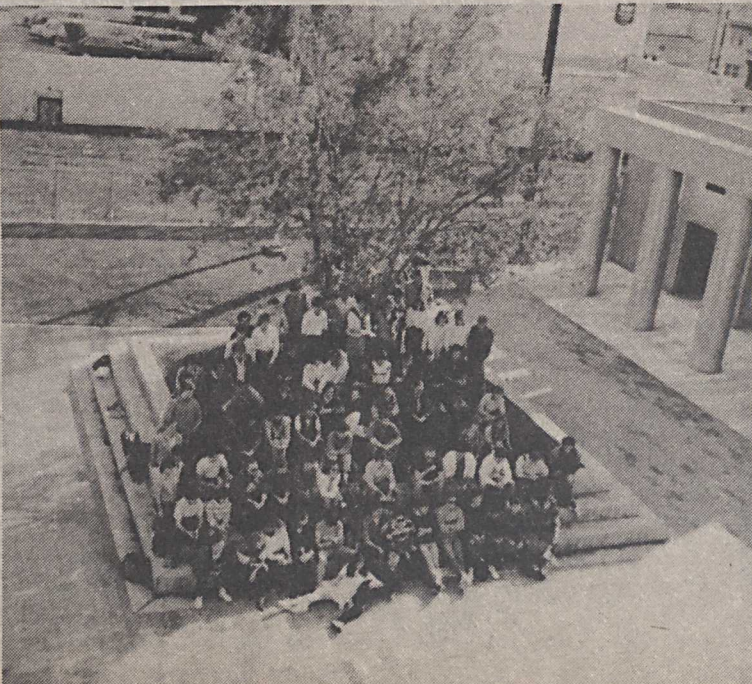
La Raza Law Students' Valentine Day Carnation Sale

Starts February 3rd.

Delivery February 13th

LOST AND FOUND
LOST: PAD Officers, if found please set up a meeting for the members!

Write for The Loyola Reporter



Memories! Students gather beneath the oak tree to memorialize their first year.

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